Relief to the Political Sufferers of Byadagi Mahal, Dharwar District.

Q.—3434. Smt. SIDDAVVA MAILAR (Haveri).—

Will the Government be pleased to state :—

(*a*) whether it is not a fact that in spite of collecting the data pertaining to political sufferers like names, etc., last year, no relief has been granted so far to political sufferers of Byadagi Mahal, Dharwar District;

(*b*) if so, whether they have taken any action in that behalf ?

A.—Sri Kadidal MANJAPPA (Minister for Revenue).—

(*a*) and (*b*) Orders have since been issued that land may be granted to political sufferers.

MYSORE MOTOR VEHICLES TAXATION (AMENDMENT) BILL,1958.

Motion to consider.

Sri B. BASAVALINGAPPA (Deputy Minister for Home).—Sir, I beg to move:

"That the Mysore Motor Vehicles Taxation (Amendment) Bill, 1958, be taken into consideration."

Mr. SPEAKER.—Motion moved :

"That the Mysore Motor Vehicles Taxation (Amendment) Bill, 1958, be taken into consideration."

Sri B. BASAVALINGAPPA.—Mr. Speaker.....

Sri M. C. NARASIMHAN (Kolar Gold Fields).—May I know if there is any financial memorandum to the Bill, because some new items are included for the purpose of taxation ?

Mr. SPEAKER.—If there is any, he will explain.

Sri B. BASAVALINGAPPA.—Mr. Speaker, Sir, this Bill has been introduced to obviate certain difficulties and to remove certain doubts in the existing Act. Under section 3 of the Motor Vehicles Taxation Act, all the vehicles which have the current registration certificate are liable to pay the tax. Under section 4 of the Act, the owners are obliged to pay the taxes in advance. Until the registration certificate is cancelled or suspended under sections 33 and 34 of the Motor Vehicles Act, the owners are compelled to pay the tax. Therefore, with a view to obviate these difficulties felt by the permit-holders, this amendment has been brought to amend section 16. According to section 16, all persons are compelled to pay taxes and are only entitled for refund after making certain applications to the concerned authorities. Under section 7 of the Act and under section 16 of the Act, by notification, Government may exempt certain classes of vehicles and to reduce the rate of taxation on those vehicles not plying on roads. While giving exemption under the Act, there is no provision for putting any conditions. Therefore with a view to obviate these difficulties, this Bill has been brought.

There is another point. There are certain vehicles kept unused, particularly during the rainy season. In the areas where rain is very heavy, particularly in Malnad areas, the permit holders, the owners of the vehicles, do not use the vehicles and they are compelled to stop using the vehicle. In such circumstances, under the existing Act, they are compelled to pay the tax. And the authorities have now no power to give any exemption even if they surrender the registration certificate. Therefore, just to create certain convenience for those people who do not use the vehicle on roads, this amendment has been brought. This is only a simple measure.

There is another amendment to section 19. Section 19 reads as follows :

"Notwithstanding anything contained in any other law for the time being in force, no local authority shall levy a tax or toll on any motor vehicle registered in the State of Mysore or in any other State in India or in any Union Territory in India."

Here, in spite of the Act there have been certain difficulties experienced by the owners. While passing through

(SRI B. BASAVALINGAPPA)

municipal areas under the existing law, certain municipalities have been collecting tolls and all octroi on the vehicles. Therefore when a person pays the entire tax on the vehicle, the intention of the amending Bill is that he should not be compelled to pay taxes for the second time.

All the Hon'ble Members know that a person should not be punished twice. On the same analogy, we have been introducing this Bill to remove such difficulties and create facilities for those persons who have once paid the tax not being compelled to pay the same tax again wherever they pass.

The next point is with regard to the amendment of the schedule.

10-00 A.M.

Sri J. B. MALLARADHYA (Nanjangud).—What about the explanation to the amendment of section 19?

Sri B. BASAVALINGAPPA. This is in State List. Here we have specifically shown what is the definition 'of Tax.'

The next point is the amendment of Schedule. Under the existing law, in Part A, Driver has also been included along with the number of passengers who travel. There was a loud complaint and grievance expressed by the owners of taxies and heavy cars, that driver should not be included and that he must be excluded. Provision has been made for this.

The next point is, with regard to the omnibus. This has been included here consequent upon the amendment to the Indian Motor Vehicles Act, and it is only consequential. We have also made provision for repealing certain Acts.

With these few words, I commend this measure to the acceptance of this House. I do not think there are any difficulties. The Bill is intended to create certain conveniences for those people who own lorries and taxies.

Sri M. C. NARASIMHAN.—I only want a clarification. This amendment to section 16 empowers Government to reduce whether prospectively or retrospectively the tax. I would like to know if it is the intention of the Government to reduce or exempt any class of vehicles retrospectively. That means there will be a return of the money already collected. If that is the intention, whether there will be a necessity for a financial memorandum has to be examined.

Secondly, a new type of vehicles—omnibus—is sought to be introduced for taxes which was not in theoriginal Act. Do they contemplate any additional revenue under this measure so far as the State is concerned?

These are things which require a financial memorandum and I would like a clarification from the Government.

Sri B. BASAVALINGAPPA.—I do not think there is going to be any expenditure under this. It is only an income to the State. There is no provision for omnibus in the existing Act. Cars have been taxed and there are certain vans carrying more than six passengers. They are escaping taxes. There are stage carriages where they carry more than six passengers. Whether they use omnibus for private purposes or for earning money, these people are at present escaping taxes. Therefore, consequent on the amendment that has been passed by the Parliament, this amendment has been introduced. Therefore it does not require financial memorandum.

Sri J. B. MALLARADHYA.—Sir, I invite attention to the Statement of Objects and Reasons. It says :

> "Section 19 bars the Local Authorities from levying tax or toll on any registered motor vehicle. Amendment of this section is intended for the purpose of specifically repealing the local laws which empower the Local Authorities to levy tax or toll on motor vehicles and also for the purpose of making it specific that tax contemplated in the section includes octroi but not the bus stand fee which is levied for the use of the bus stand."

That is the point involved. I asked you for an explanation of section 19. You said it only referred to entries in Schedule to the Constitution of India. Supposing a municipality tries to recover bus stand fees. Does this

enable the Government to prevent such recovery being made?

Sri B. BASAVALINGAPPA.—No, this is a facility specially created by a Municipality and it does not come under the State List. We have made it specific that it does not come under this and they are entitled to levy bus stand fee on such buses that use these stands.

Sri J. B. MALLARADHYA.—What about octroi ? It is said here:

> " . . . and also for the purpose of making it specific that tax contemplated in the section includes octroi ... "

Then your Statement of Objects conflicts with the main provisions of the Bill.

Sri B. BASAVALINGAPPA.—It does not include Octroi.

Sri J. B. MALLARADHYA.—Then you must amend it to say that it does not include octroi. You will have to amend it like that

Sri B. D. JATTI (Chief Minister).—Yes.

Sri M. C. NARASIMHAN.—If it is the intention to exempt any class of vehicles with retrospective effect, it will lead to expenditure from the State Exchequer.

Mr. SPEAKER.—It will affect State revenues; it will not involve any extra expenditure.

Sri B. BASAVALINGAPPA.—This is a question of revising and showing certain concessions to certain persons. We are now thinking of developing tourism. Under the existing Act, all owners of buses, as you know, are compelled to pay certain taxes in advance. We are creating certain facilities in favour of persons who make special use of vehicles.

Sri C. K. RAJAIAH SETTY (Chiknaikanhalli).—As it is, under the Local Bodies Act, there is a provision to collect Octroi. Does this provision prohibit the local body from collecting octroi?

Sri J. B. MALLARADHYA.—I want the Hon'ble Minister kindly to tell me why this retrospective effect is put in here. That will give the Government sufficient latitude to be very generous with the State's finances. I do no think we could agree to this order being given retrospective effect. In regard to the motor vehicles not using the roads, you want to give exemption. What is the means by which the Government can know that the road is not used ? As it is, you issue registration certificates to vehicles and unless registration certificate is surrendered, it is not possible for you to ascertain that the vehicle is not on the road. If you say that you are going to show concession with retrospective effect, it leads to a lot of leakage and people interested will take advantage of this provision and it becomes very difficult for the Government to enforce this rule and see that the State's finances are guarded. Unless the man surrenders the registration certificate, you must say, you are not going to give exemption at all. Otherwise, it is very difficult to ascertain whether these vehicles are not using the roads. In regard to omnibus I do not know what is this provision and why it is stated:

> "after item 6, the following item shall be inserted, namely—
> '6A. Omnibuses (other than those liable to tax under the foregoing provisions of this schedule'. "

What are these vehicles contemplated? I am wondering as to what they are.

Sri B. BASAVALINGAPPA.—There is difference between stage carriage and omnibus. Stage carriage means it cannot take more than six persons excluding the driver, whereas omnibus can carry more than six persons excluding the driver.

Sri G. N. PUTTANNA (Tumkur).—It is a matter of opinion. 16ನೆಯ ಸೆಕ್ಷನ್ ತಂದಿರುವುದು ಅನೇಕರಿಗೆ ಅನುಕೂಲವಾಗುತ್ತದೆ. ಶ್ರೀಮಲ್ಲಾರಾಧ್ಯರು ಹೇಳಿದಂತೆ ಸ್ವಲ್ಪ ತೊಂದರೆಗಳು ಬರುತ್ತವೆ. ಇದೇವಿಚಾರದಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ನಾನು ಒಂದು ಕಾಗದ ಬರೆದಿದ್ದೆ. 16ನೆಯ ಸೆಕ್ಷನನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಅಲ್ಲದೆ ರೋಡ್‌ಟ್ರಾನ್ಸ್‌ಪೋರ್ಟ್ ಅಧಿಕಾರಿಗಳಿಗೆ ಒಂದು ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದಾರೆ, ಮೂರು ಅಥವ ಆರುತಿಂಗಳಿಗೆ ಟೆಂಪೊರರಿ ಲೈಸೆನ್ಸ್ ಕೊಡಬಹುದೆಂದು ಮಾಡಿದ್ದಾರೆ. ಈ ವಿಚಾರವಾಗಿ ನನಗೆ ಉತ್ತರ ಕೂಡ ಬಂದಿದೆ ಬೆಂಗಳೂರಿನಿಂದ ತುಮಕೂರಿಗೆ ಮೂರು ತಿಂಗಳಿಗೆ ಲೈಸೆನ್ಸ್ ಕೊಟ್ಟಿದೆ ಎಂದು ಹೇಳುತ್ತಾರೆ. ಹೆಚ್ಚಿಗೆ ಕೊಡುವುದಕ್ಕೂ ಅಧಿಕಾರವಿದೆ. ಚಂಪೆಕಳಿಗೆ ತೂರಿ

(ಶ್ರೀ ಜಿ. ಎಕ್. ಪುಟ್ಟಣ್ಣ)

ದರೆ ರಂಗೋಲೆ ಕೆಳಗೆ ತೂರುವಪರಿದ್ದಾರೆ. ಇದೇ ಸ್ಥಳಗಳಿಗೆ ಬೇರೆ ರಸ್ತೆಯಲ್ಲಿ ಕೊಡುತ್ತಾರೆ. ಹೀಗೆ ಅನೇಕ ರೀತಿಯಲ್ಲಿ ಆರ್. ಟಿ. ಓ. ಗಳು ಬಹಳ ಅನ್ಯಾಯ ಮಾಡುತ್ತಾರೆ. ರಸ್ತೆಯನ್ನು ಬದಲಾವಣೆ ಮಾಡಿ ಈ ರೀತಿ ರೆಸೆನ್ಸ್ ಕೊಟ್ಟರೆ ಪಮಿ-ಟ್ ಹೋಲ್ಡರುಗಳಿಗೆ ಕೂಡ ತೊಂದರೆಯಾಗುತ್ತದೆಂದು ನಾನು ಬರೆದಿದ್ದೇನೆ.

ಶ್ರೀ ಎಂ. ರಾಜಶೇಖರ ಮೂರ್ತಿ (ಟಿ.-ನರಸೀಪುರ).—ಇದು taxation ಮಸೂದೆ.....

ಶ್ರೀ ಜಿ. ಎಕ್. ಪುಟ್ಟಣ್ಣ.—ಅದು ನನಗೆ ಗೊತ್ತಿದೆ.

Sri M. RAJASEKHARA MURTHY.—I only point out as a bus owner. The Hon'ble Member referred to issue of temporary permits. Issue of temporary permits is governed by Indian Motor Vehicles Act. We are concerned only with Motor Vehicles Taxation Bill.

ಶ್ರೀ ಜಿ. ಎಕ್. ಪುಟ್ಟಣ್ಣ.—ಟೆಂಪೊರರಿ ಪರ್ಮಿಟ್‌ಗೆ ತೆರಿಗೆ ಕೊಡಬೇಕು.

ಶ್ರೀ ಬಿ. ಡಿ. ಜತ್ತಿ.—ಮಾನ್ಯ ಸದಸ್ಯರು ಹೇಳಿದು ದರಲ್ಲಿ ಸತ್ಯಾಂಶವಿದೆ. ಕೆಲವು ಕಡೆ ಹಾಗೆ ನಡೆಯುತ್ತದೆ. ಹಾಗಾಗದೇಯಿರುವ ಹಾಗೆ ನೋಡಿಕೊಳ್ಳುತ್ತೇವೆ. ಆರನೆಯ ಸೆಕ್ಷನ್‌ನಲ್ಲಿ ಕೆಲವು restrictions ಹಾಕಿದ್ದಾರೆ. ಆದರೂ ಕೂಡ ಮಾನ್ಯ ಸದಸ್ಯರು ಶ್ರೀ ಪುಟ್ಟಣ್ಣನವರು ಹೇಳಿದುದನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ಆ ರೀತಿ ನಡೆಯುದಂತೆ ನೋಡಿಕೊಳ್ಳುತ್ತೇವೆ.

*Sri M. C. NARASIMHAN —I am not asking for clarification. I shall make one observation about this Bill. In the amendment to section 16, *i.e.*,

> "(*a*) exempt or reduce whether prospectively or retrospectively the tax payable in respect of:
>
> (i) any class of motor vehicles or,
>
> (ii) motor vehicles not used on roads."

The retrospective exemption in the case of motor vehicles not used on roads, however difficult it is to determine, may be considered to be justifiable because the Government has already given an assurance to that effect. But, what I cannot understand is how retrospective portion of this particular concession in respect of any class of motor vehicles has to be determined. What is the other class of motor vehicles they are contemplating today? It is not clear as to why they should be given exemption. As I have already submitted, I am not in favour of giving such retrospective effect in respect of this matter. You will see that this Act was amended hardly a year ago and where is the necessity within such a short time, hardly even before the ink has dried up, to make a correction again?

Next, about the repeal. There was one difficulty which has been experienced so far as Hyderabad area is concerned. In fact I raised it at the time of passing the Motor Vehicles Taxation Bill also. In Hyderabad area there was arrangement for the municipalities to enter into contract with the contractors for the four or five years period. But subsequent to this enactment, difficulties arose because the contractors in the various municipalities, had already entered into contract with the municipalities for payment of tolls. The municipalities subsequent to the enactment, began to say that they could not reimburse the amount collected, on the ground that the new Motor Vehicles Act did not provide for any payment to the contractors. The contractors were in real difficulty in respect of this matter because the Municipality had already collected some amounts. I would submit to the Government to look into this matter.

Sri V. P. DEENADAYALU NAIDU (Cubbonpet).—I would like to speak with regard to section 19. No doubt instead of augmenting the revenues of the local bodies by stages we are trying to criple them giving more onerous duties and calling them as autonomous institutions.

We are taking away the right of local authorities to levy tolls. But what is the compensation Government is going to pay them? Time and again I have been impressing on the Finance Minister—I have done so in the last budget speech that we are thinking of giving retrospective effect from 1936. I am rising now to remind the Government that this is the stage when we must think of compensating the local authorities for the right to levy toll and cess which we are taking away from them We must act now. Otherwise, we will be crippling the local bodies.

Sri B. BASAVALINGAPPA.—Sir, regarding compensation, it is being

paid. We will consider it if a demand comes from certain local authorities. My Hon'ble friend Sri Narasimhan was apprehensive about retrospective effect being given to this Act. It is only from 1st January 1958 that we are going to give retrospective effect.

Mr. SPEAKER.—The question is :

"That the Mysore Motor Vehicles Taxation (Amendment) Bill, 1958, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—The question is :

"That Clauses 1 to 5, both inclusive, the Title and the Preamble stand part of the Bill".

The motion was adopted.

Clauses 1 to 5, both inclusive, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri B. BASAVALINGAPPA.—Sir, I beg to move :

"That the Mysore Motor Vehicles Taxation (Amendment) Bill, 1958, be passed."

Mr. SPEAKER.—The question is :

"That the Mysore Motor Vehicles Taxation (Amendment) Bill, 1958, be passed".

The motion was adopted.

The House adjourned for tea at Twenty-five Minutes past Ten of the Clock and re-assembled at Eleven of the Clock.

[MR. SPEAKER in the Chair]

Business of the House.

Sri J. B. MALLARADHYA (Nanjangud).—I have a representation to make. If the Chair has no objection I would suggest that in the order of business, food debate and the Sharavathi Project be given the highest priority. This is a matter which is exercising the minds of everybody including the Government. On Monday Sharavati Project may be discussed and on Tuesday food debate may take place. It will give us time for preparing for food debate. Gorwala's Report may be taken up during the week. We are keen it should be discussed in this session itself. I consider that Sharavati project and food debate should have priority over every other business of the House.

Sri A. V. NARASIMHA REDDY (Bangalore South).—I entirely see the importance of the subjects that have been mentioned to be taken up on Monday and Tuesday by Sri Mallaradhya. I wish the Government will kindly consider and take up Sharavathi Valley resolution on Monday and food debate on Tuesday and thereafter Gorwala report.

Sri T. MARIAPPA (Minister for Finance).—We have no objection. We are prepared.

Sri M. C. NARASIMHAN (Kolar Gold Fields).—Gorwala's report has been put down for Monday.

Sri V. P. DEENADAYALU NAIDU (Cubbonpet).—There is one aspect. With regard to the discussion on Sharavathi Valley resolution certain information is sought for from the Government. That will have to be supplied to the members. We are not posted with any information in this regard. I think it will facilitate a good deal if the statisticsare made available to members.

Sri J. B. MALLARADHYA.—I presume the Hon'ble Minister for Electricity will make a statement and the debate will proceed on that.

Mr. SPEAKER.—Today the Hon'ble Member Sri Mallaradhya saw me in my chambers and told me that he wanted to raise this question of giving priority to debate on Sharavati Valley project and food situation. 87 members have signed the Sharavati Valley project resolution.

Sri C. J. MUCKANNAPPA (Gubbi).—Is it from both sides ?

Mr. SPEAKER.—As far as I have been able to understand, it is from both sides.

Sri C. J. MUCKANNAPPA.—It was not brought to my notice at all.